

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Norfolk Division)

FILED

SEP 15 2011

CLERK, U.S. DISTRICT COURT  
NORFOLK, VA

VS TECHNOLOGIES, LLC, )  
Plaintiff )  
vs. ) CIVIL CASE NO: 2:11cv43 (HCM)(FBS)  
TWITTER, INC. )  
Defendant. )

ORDER

This matter comes before the Court, pursuant to Local Rule 5 and the Stipulated Protective Order entered in this case on June 9, 2011 [Dkt. No. 36], on Defendant Twitter, Inc.'s ("Twitter") Motion to File Under Seal its [Unredacted] Memorandum in Support of Twitter's Motion to Strike Expert Report and Preclude Larry W. Evans from Testifying at Trial, and Exhibits A, B, C, D and E thereto.

Before this Court may seal documents, it must: "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000) (internal citations omitted).

In compliance with Local Rule 5 and *Ashcraft*, the Court has provided public notice of this motion by posting an appropriate Notice on the public docket board: "This serves as notice to the public that Defendant Twitter, Inc., has moved the Court to seal from public disclosure the [Unredacted] Memorandum in Support of Twitter's Motion to Strike Expert Report and Preclude

Larry W. Evans from Testifying at Trial, and Exhibits A, B, C, D and E thereto. Objections to this motion should be filed in the Civil Section of the Clerk's Office of this Court. This Notice will be posted for a minimum of 48 hours."

Based upon Twitter's filings and the Stipulated Protective Order, the Court FINDS that less drastic alternatives to sealing the documents identified in the Nonconfidential Memorandum in Support of its Motion to File Under Seal are not feasible.

Accordingly, the Court ORDERS that Twitter's [Unredacted] Memorandum in Support of Twitter's Motion to Strike Expert Report and Preclude Larry W. Evans from Testifying at Trial, and Exhibits A, B, C, D and E thereto, shall be maintained under seal by the Clerk.

The Clerk is REQUESTED to send a copy of this Order to all counsel of record.

It is so ORDERED.

ENTER: Sept. 14, 2011

/s/  
Henry Coke Morgan, Jr.  
Senior United States District Judge

United States District Court Judge